

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 24, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

No. 2:24-CV-00411-SAB

In re:

AGNES NICZYPORUK,
Debtor.

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court is Debtor/Appellant Agnes Niczyporuk's Motion for Reconsideration, ECF No. 10. The motion was heard without oral argument. Ms. Niczyporuk is representing herself in this matter.

On January 17, 2025, the Court denied Ms. Niczyporuk's Motion for Temporary Restraining Order and Preliminary Injunction, finding that she failed to meet the threshold inquiry because there are no serious questions going to the merits of this appeal.

MOTION STANDARD

Fed. R. Civ. P. 59(e) provides that a party may file to alter or amend a judgment "no later than 28 days after the entry of judgment." Motions for reconsideration are disfavored and should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. *Kona Enterprises, Inc. v. Estate of Bishop*. 229, F.3d 877, 890 (9th Cir. 2000). A Rule 59(e) motion may not be used to raise arguments or present

1 evidence for the first time when they could reasonably have been raised earlier in
2 the litigation. *Id.*

3 Ms. Niczyporuk asserts newly discovered evidence established fraudulent
4 conduct in the foreclosure process. However, a simple review of the motion for
5 preliminary injunction and the motion for reconsideration show that Ms.
6 Niczyporuk has not presented the Court with newly discovered evidence and
7 instead is raising arguments previously presented to the Court. In addition, in
8 reviewing the attachments to the motion for reconsideration, it is clear that none of
9 this evidence was newly discovered. Rather, the documents appear to have been
10 previously filed in the underlying bankruptcy proceedings.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Debtor/Appellant Agnes Niczyporuk's Motion for Reconsideration,
13 ECF No. 10, is **DENIED**.

14 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
15 and forward copies to Plaintiff and counsel.

16 **DATED** this 24th day of February 2025.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

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Stanley A. Bastian
Chief United States District Judge